

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MOISES FRIAS-GUEVARA,  
  
Petitioner,  
  
v.  
  
FCI MENDOTA WARDEN,  
  
Respondent.

No. 1:23-cv-00195-KES-CDB (HC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS, DISMISSING THE  
PETITION FOR WRIT OF HABEAS  
CORPUS AS MOOT, AND DIRECTING THE  
CLERK OF THE COURT TO CLOSE THIS  
CASE

Doc. 7

Moises Frias-Guevara, a federal prisoner, proceeds with a writ of habeas corpus pursuant to 28 U.S.C. § 2241, asserting that the U.S. Bureau of Prisons (“BOP”) improperly denied him earned time credits under the First Step Act because he is the subject of an immigration detainer. Doc. 1. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 25, 2025, the assigned magistrate judge issued findings and recommendations to dismiss the petition as moot. Doc. 7. The findings and recommendations stated that any objections were to be filed within fourteen (14) days. Doc. 7 at 3. The findings and recommendations were mailed to petitioner but returned as undeliverable. Petitioner did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1), the Court performed a de novo review of the case. Having carefully reviewed the matter, the Court concludes the findings and recommendations are

1 supported by the record and proper analysis.

2 As the petition is brought under § 2241 and the detention complained of does not arise out  
3 of a process issued by a state court, no certificate of appealability is required. *See Porter v.*  
4 *Adams*, 244 F.3d 1006, 1006-07 (9th Cir. 2001) (citing *Forde v. U.S. Parole Comm'n*, 114 F.3d  
5 878, 879 (9th Cir. 1997)).

6 Accordingly,

- 7 1. The findings and recommendations issued on July 25, 2025, Doc. 7, are ADOPTED in  
8 full;  
9 2. The petition for writ of habeas corpus, Doc. 1, is DISMISSED without prejudice as moot;  
10 and  
11 3. The Clerk of Court is directed to close the case.

12  
13  
14 IT IS SO ORDERED.

15 Dated: August 26, 2025

  
UNITED STATES DISTRICT JUDGE